



Justice can't be shortchanged

Tracy Warner, editorial page editor

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Justice is not cheap. Ask any county commissioner trying to balance a budget.

The administration of justice -- paying for the courts, the clerks, defense attorneys, prosecutors, sheriff's deputies, jails -- consumes about 70 percent of the average county budget in Washington. The state government, which happens to write the laws the counties must pay to enforce, is in comparison a total deadbeat. Washington ranks dead last among states in funding for courts and public defense. The total cost well exceeds \$425 million per year; Washington state contributes \$45 million, or a touch over 10 percent. The rest of the expense falls on county and city taxpayers.

This imbalance not only imperils local government budgets, it undermines the equal administration of justice in Washington. The courts are where society resolves its most critical disputes. They are where it arranges to protect itself, lay blame for wrongdoing, mete out punishment and set compensation for the wronged. The administration of justice is fundamental to a democratic society, and in Washington state it is financed in such a haphazard and inadequate way that justice is constantly compromised. "Lack of adequate, stable and long-term funding places our system of justice in jeopardy and undermines the public's trust and confidence in the courts and each year that we fail to act only exacerbates the situation and produces an unjust and unfair court system." So wrote M. Wayne Blair, chairman for the state's Court Funding Task Force, in its just-issued report titled, "Justice in Jeopardy: The Court Funding Crisis in Washington State."

The study finds serious faults with Washington state's justice system. Financing justice county by county inevitably brings inequities. Crimes committed in wealthy counties are subject to different treatment than in poor counties, based entirely on budget considerations. The intensity of prosecution and the quality of legal defense for the indigent varies, which means the resulting justice varies.

The report cites examples, from our region: Okanogan County deciding that it could not support the million-dollar expense of a capital murder trial, thereby deciding not to seek the death penalty for the murder of an Omak police officer, solely for financial reasons. The trial alone would have consumed more than 8 percent of the county budget. Or Grant County, where cutting corners on indigent legal defense resulted in caseloads four times the recommended level and "numerous defendants receiving ineffective and incompetent legal representation." That system imploded, a public defender disbarred, with the county holding an \$1.4 million bill for unexpected legal expenses.

The report concludes that Washington falls \$204 million short of what is needed "to ensure justice." There are three most critical needs: stable and equitable funding for trial courts, public defense, and civil legal aid.

The report asks the state work toward a goal of assuming half the cost of trial courts and public defense. Toward that goal the task force requests an initial appropriation of \$32 million. It is not a large request relative to the state's total budget, but it is very likely far more money than will be available, with the \$1.6 billion budget deficit the state faces.

But this study deserves serious attention from budget writers. It is not the first warning, but one in a series. The state cannot tolerate injustice solely to save money. The eventual cost is far too great.

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